

In the Court of Appeals of the State of Alaska

Cain Kalani Espiritu Bradley,
Appellant,

v.

Municipality of Anchorage,
Appellee.

Court of Appeals No. **A-13156**

Order

Request for Review of Clerk's Intention
to Enter Judgment for Costs of
Appointed Attorney

Date of Order: **11/23/20**

Trial Court Case No. **3AN-18-00379CR**

The Appellant, Cain Kalani Espiritu Bradley, filed a misdemeanor sentence appeal in this Court. In *Bradley v. Anchorage*, Summary Disposition No. 0147 (August 19, 2020), this Court affirmed the sentence imposed by the district court.

Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to “enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant’s conviction was reversed by the appellate court.” Because Bradley was represented by court-appointed counsel in this appeal and his conviction was not reversed, the Appellate Court Clerk’s Office intends to enter judgment against him in the amount of \$250.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Bradley now seeks judicial review of the Clerk’s decision. *See* Alaska Appellate Rule 503(h)(2)(A). In his opposition to the entry of judgment for the cost of appellate counsel, Bradley contends that he is currently indigent, that he believes his appellate attorney spent little time preparing the appeal, and that his attorney failed to file a motion to waive the cost-of-counsel fee. But Bradley’s claim that he is currently indigent, and his belief that his attorney spent little time preparing the appeal, are

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insufficient to relieve Bradley from the scope of Appellate Rule 209(b). As for Bradley's claim that his attorney failed to file a waiver of the cost-of-counsel fee, the attorney named by Bradley is not associated with this appeal.

Because Bradley was represented by court-appointed counsel in this appeal and his conviction was not reversed, the decision of the Appellate Court Clerk to enter a \$250.00 judgment for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Bradley also requests that his attorney be disciplined for failing to file a waiver of the cost-of-counsel fee. But because the attorney specifically named in Bradley's request is not associated with this appeal — nor does it appear that the attorney was involved in this case in the trial court — this Court request is **DENIED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Cain Bradley at 5210 Chena Ave., Anchorage, AK 99508

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